

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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TO:

TO:

CASE NUMP:

10993P6 WO/AB

Date of mailing
(day/month/year)

18.03.2004

Applicant's or agent's file reference
10993P6 WO/AB

IMPORTANT NOTIFICATION

International application No.
PCT/GB 03/01333

International filing date (day/month/year)
20.03.2003

Priority date (day/month/year)
11.04.2002

Applicant

RECKITT BENCKISER N.V. et al.

NOV
RENEWALS

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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PATENT COOPERATION TREATY

PCT

06 OCT 2004

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 19 MAR 2004

WIPO PCT



Applicant's or agent's file reference 10993P6 WO/AB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/01333	International filing date (day/month/year) 20.03.2003	Priority date (day/month/year) 11.04.2002
International Patent Classification (IPC) or both national classification and IPC D06F58/20		
Applicant RECKITT BENCKISER N.V. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 06.10.2003	Date of completion of this report 18.03.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Falkentoft, C Telephone No. +49 89 2399-2066 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/01333**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

7-12 as originally filed

1-6 received on 16.02.2004 with letter of 12.02.2004

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/01333**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-12
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: EP-A-1 178 107 (GIVAUDAN SA) 6 February 2002.
D2: US-A-4 532 722 (SAX STEPHEN H) 6 August 1985.
D3: US-A-3 698 095 (FURGAL HENRY P ET AL) 17 October 1972.
D4: US-B1-6 398 127 (WINGO DORA) 4 June 2002.

2. The amended independent claim 1 as submitted with the letter dated 12 February 2004 does not satisfy the criterion set forth in Article 33(2) PCT, for the following reasons.

D3 (see column 3, line 1 - column 4, line 11; figures) discloses:

A process for delivering a fabric treatment agent to a fabric comprising:

- (a) releasably attaching a rigid support (14) to a part of a flexible substrate (15) onto which is releasably fixed a fabric treatment agent;
- (b) placing the rigid support/flexible substrate and a fabric inside a fabric treatment machine; and
- (c) operating the fabric treatment machine;

whereby the rigid support (14) is a frame and is smaller than at least the width or length or depth of the flexible substrate (15).

Hence, all features of the subject-matter of independent claim 1 are known from D3. Thus, the subject-matter of claim 1 is not new and does not satisfy the criterion set forth in Article 33(2) PCT.

3. The subject-matter of independent claims 10 (device), 11 (kit) and 12 (use) are for the same reasons as given in paragraph 1 above already known from D3, refer to the above cited passages.

4. Dependent claims 2-9 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty, since the features are already known from D3, refer to the exemplary passages cited below.

Claim 2: See abstract.

Claim 3: See column 6, lines 29-32.

Claim 4: See figures 1-3.

Claim 5: See figure 2.

Claim 6: See column 4, lines 38-46.

Claim 7: See column 4, lines 46-61.

Claim 8: See column 5, lines 55-67.

Claim 9: See column 8, lines 39-48.

Hence, the subject-matter of dependent claims 2-9 does not satisfy the criterion set forth in Article 33(2) PCT

5. The subject-matter of claims 1-12 is able to work, can be manufactured and is thus looked upon as being industrially applicable (Article 33(4) PCT).

Further Points

6. The feature **"the rigid support is a frame and is smaller than at least the width or length or depth of the flexible substrate"** of independent claim 1 is not clear and hence does not meet the requirements of Article 6 PCT. For example, D1 (see figure 2b) discloses a frame (2b) with a width which is smaller than the length of the flexible substrate (5a).

According to page 6, line 30 and figure 1, said feature has for the present examination been interpreted as the outer dimensions of the frame, namely the width, the length and the depth, being smaller than at least one of the outer dimensions of the flexible substrate, namely the width or the length or the depth.

Corresponding comments apply to the features of the subject-matter of dependent claim 4.

7. In amended claim 1, the process steps (b) and (c) should obviously have been only one step as in the originally filed claim 1 ("(b) placing the rigid support/flexible substrate and a fabric inside a fabric treatment machine").
8. The subject-matter of the dependent claims 2, 4, 5, 6, 7, 8 and 9 relates to features of a device although the claims refer to the independent process claim 1. Hence, the category of claims 1-9 is not clear, whereby also the intended limitations are not clear, contrary to the requirements of Article 6 PCT.
9. Dependent claim 3 refers to "the washing machine", which however has not been defined (Article 6 PCT).
10. Claim 11 refers to "a device as defined in any claim from 1 to 10", however a device was first defined in claim 10. A similar comment applies to claim 12.
11. The statement in the description on page 4, line 27 that the rigid support "may be" releasably attached to the flexible support implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, III-4.3a).
12. The description on page 11, lines 8-10 mentions "a method for manufacturing the device", however no such method is present in the claims nor anywhere else in the description. This inconsistency implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, III-4.3a).
13. In the description on page 12, lines 23-25 is referred to Figure 2 showing a rigid container. However, no rigid container is seen in Figure 2.
14. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D3 is not mentioned in the description, nor are these documents identified therein.
15. The features of the claims are not provided with reference signs placed in

parentheses (Rule 6.2(b) PCT).

16. The PX-document mentioned in the Search Report, US-B1-6 398 127 (D4), was published on 4 June 2002 and filed on 29 September 2000. Regarding the relevance of this document, attention is drawn in particular to the abstract and figures 1-4.

However, since the document was published after the priority date of the current application (11 April 2002) its content shall not be considered as part of the prior art for the purposes of Articles 33(2) and 33(3) PCT according to Rule 64.3 PCT.

Claims

1. A process for delivering a fabric treatment agent to
5 a fabric comprising:

- (a) releasably attaching a rigid support to a part
of a flexible substrate onto which is releasably
fixed a fabric treatment agent;
10 (b) placing the rigid support/flexible substrate;
(c) a fabric inside a fabric treatment machine; and
(d) operating the fabric treatment machine;

characterised in that the rigid support is a frame
15 and is smaller than at least the width or length or
depth of the flexible substrate.

2. A process as claimed in claim 1 wherein the fabric
treatment machine is a tumble dryer or a washing
20 machine.

3. A process as claimed in claim 1 or 2 wherein the
fabric treatment machine is operated so that the
temperature of the water in the washing machine is
25 greater than or equal to 40°C.

4. A process as claimed in any one of the preceding
claims wherein the rigid frame support is smaller
than both the width and the length of the flexible
30 substrate.

5. A process as claimed in any of the preceding claims wherein the frame is an endless frame.
6. A process as claimed in any one of the preceding
5 claims wherein the flexible substrate comprises a fibrous material. .

Claims

1. A process for delivering a fabric treatment agent to a fabric comprising:
 - (a) releasably attaching a rigid support to a flexible substrate onto which is releasably fixed a fabric treatment agent;
 - (b) placing the rigid support/flexible substrate and a fabric inside a fabric treatment machine; and
 - (c) operating the fabric treatment machine.
2. A process as claimed in claim 1 wherein the fabric treatment machine is a tumble dryer or a washing machine.
3. A process as claimed in claim 1 or 2 wherein the fabric treatment machine is operated so that the temperature of the water in the washing machine is greater than or equal to 40°C.
4. A process as claimed in any one of the preceding claims wherein the rigid support comprises a frame and a part of the flexible substrate is held in the frame.
5. A process as claimed in claim 4 wherein the frame is an endless frame.
6. A process as claimed in any one of the preceding claims wherein the flexible substrate comprises a fibrous material.